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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,028	12/12/2003	Leslie Andrew McFarlane	MCFARLANE-DRILL-FULL	3504
4988	7590	03/18/2005		
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712				
EXAMINER TALBOT, MICHAEL				
ART UNIT		PAPER NUMBER		
3722				

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/735,028	MCFARLANE, LESLIE ANDREW	
	Examiner	Art Unit	
	Michael W Talbot	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear as to the claimed limitation defined by the phrase "each said drive gear being a meshed idler gear which reverses direction, such that all said drive gears are rotated in a same, predetermined direction". As claimed, the meshed idler gear is included within the category of drive gears and therefore the idler gear can not perform both functions of "reverses direction of the drive gear" and "rotate in a same, pre-determined direction as the drive gear". For examination purposes, it is best understood and supported within the specification on page 8, lines 3-5 that the idler gear does in fact "reverse direction" of the drive gear.

Regarding claim 7, it is unclear as to the claimed limitation defined by the phrase "a predetermined small diameter to permit close placement of said chucks adjacent to each other". It is unclear as to what constitutes a "small diameter" and therefore the phrase leaves the claim indefinite as there are endless number of possibilities as to its scope.

Regarding claim 10, it is unclear as to the claimed limitation defined by the phrase "wherein close spacing is accomplished through the use of small diameter idler gears". It is unclear as to what constitutes a "close spacing" and a "small diameter" and therefore the phrases leave the claim indefinite as there are endless number of possibilities as to its scope.

Regarding claim 11, it is unclear as to the claimed limitation defined by the phrase "wherein wide spacing is accomplished through the use of large diameter idler gears". It is unclear as to what constitutes a "wide spacing" and a "large diameter" and therefore the phrases leave the claim indefinite as there are endless number of possibilities as to its scope.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6,7,9-11,13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Silcott '827. Silcott '827 shows in Figures 1 and 2 a portable hand-held multiple bit drill having a rotary power source (page 1, lines 41-44), a plurality of chucks (E',G) attached to a U-channel housing (A) and rotated by respective linearly aligned drive gears (D,F) having a central drive gear (D) rigidly attached to a central drive shaft (d'). Silcott '827 further shows that the idler gears (F) located directly adjacent to and in direct meshed connection with the central drive gear (D) have a reverse rotational direction to that of the central drive gear (D). Silcott '827 further shows that the gear assembly may have gears of varying diameters and in page 1, lines 60-68 that a greater number of gears may be employed and fitted with the identical tool to perform the same function. Silcott '827 further shows on page 1, lines 37-40 the chuck assembly having a shaft, a gear-mounting flange (b and) and a sleeve (a).

Claims 1,2,6,7,9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2170753. GB 2170753 shows in Figures 1 and 2 a portable hand-held multiple bit drill having a rotary power source (page 1, lines 77-81), a plurality of chucks (21-27) attached to a housing (A) and rotated by respective linearly aligned drive gears (4-10) having a central drive gear (4)

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rigidly attached to a central drive shaft (1). GB 2170753 further shows that the idler gears (5,7,8,10) located directly adjacent to and in direct meshed connection with each drive gear (4,6,9) have a reverse rotational direction to that of the adjacent drive gear. GB 2170753 further shows the chuck assembly having a shaft (Fig. 1), a gear-mounting flange (12) and a sleeve (19,20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silcott '827 in view of Penner '493. Silcott '827 lacks the spring loaded locking ball mounted on a square shaft to be attached within the square hole of the gear. Penner '493 shows in Figures 1 and 3 a quick connect/disconnect attachment means having a spring loaded (22) locking ball (21) mounted on a square shaft (10). In view of this teaching of Penner '493, it is considered to have been obvious to replace the shaft/gear attachment means of Silcott '827 with another well-known, quick connect/disconnect attachment means shown in Penner '493 to provide the desired connection.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2170753 in view of Penner '493. GB 2170753 lacks the spring loaded locking ball mounted on a square shaft to be attached within the square hole of the gear. Penner '493 shows in Figures 1 and 3 a quick connect/disconnect attachment means having a spring loaded (22) locking ball (21) mounted on a square shaft (10). In view of this teaching of Penner '493, it is considered to have been obvious to replace the shaft/gear attachment means of GB 2170753 with another

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well-known, quick connect/disconnect attachment means shown in Penner '493 to provide the desired connection.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silcott '827 in view of Penner '493, further in view of Craft '768. Silcott '827 in view of Penner '493 lacks the chuck retaining attachment means being magnetic. Craft '768 shows in Figure 8 a magnet (39) provided at the base of the shaft hole to provide an insert retaining means. In view of this teaching of Craft '768, it is considered to have been obvious to replace the chuck retaining attachment means of Silcott '827 in view of Penner '493 with another well-known, attachment means shown in Craft '768 to provide the desired connection.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2170753 in view of Penner '493, further in view of Craft '768. GB 2170753 in view of Penner '493 lacks the chuck retaining attachment means being magnetic. Craft '768 shows in Figure 8 a magnet (39) provided at the base of the shaft hole to provide an insert retaining means. In view of this teaching of Craft '768, it is considered to have been obvious to replace the chuck retaining attachment means of GB 2170753 in view of Penner '493 with another well-known, attachment means shown in Craft '768 to provide the desired connection.

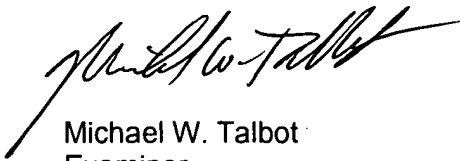
Allowable Subject Matter

4. Claims 3-5,8,12 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Derris Banks, may be reached at 571-272-4419.

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In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 703-872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



Michael W. Talbot
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Art Unit 3722



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